**COVID STAFF SAFETY STATEMENTS**

1. **CONTACT CENTRES/LDUs**

The trade unions requested that a national message should be communicated which indicates that face to face contact should take place with only those individuals for whom it is felt that the risk posed to society by not undertaking the contact is greater than the risk posed to staff by engaging on a face to face basis.

We agree and so have now limited face to face contacts to individuals with public protection concerns and those medium cases where there are safeguarding concerns. This is summarised as:

* TACT cases
* High and Very risk of harm (this includes PCoSOs that fall into high and very high risk of harm)
* Med cases only where there is child and DV safeguarding concerns
* Prison releases first appt only then based upon risk for future reporting (unless in AP then face to face is not required as they have face to face contact with staff within the AP)

We are allowing probation officers to use their professional judgement to determine the frequency of contact required, and to balance face to face appts with other forms of reporting which do not require face to face interaction. This fits under the Amber EDM.

This approach will significantly reduce the footfall of individuals into offices and consequently the number of staff required in offices as well. In order to ensure this is happening NPS will be continuing to collect weekly data of how many people are seen on a face to face basis in each region. We commit to sharing these numbers with the unions so that we are able to monitor this situation. If we do recognise that any areas do not appear to have the reduction of face to face engagement we would expect to see, we will be able to identify this quickly and address this on an individual basis.

1. **ACCREDTED PROGRAMMES**

In response to feedback from NPS, CRCs and our recognised Trade Unions, we have reviewed the delivery of Accredited Programmes in the current operating context.

We have taken the decision to require all NPS Regions and CRCs to suspend all face to face group delivery of Accredited Programmes with immediate effect. This suspension will remain in place until close Monday 25th January in the first instance and will be reviewed ahead of that date. Individual face to face contact remains appropriate where the public protection or safeguarding risk justifies that action. All other elements of the Alternative Delivery Format remain in place. We will amend the Accredited Programme EDM to introduce a new Amber delivery level which aligns with this position.

1. **COURTS**

NPS staff based at courts will work in line with the Lord Chief Justice direction that wherever possible professionals will not work in court. As such, NPS staff should work from home where possible unless they need to be present at court in order to complete tasks or activities which require their presence either at or in court. This should include ensuring that appropriate NPS staff coverage is available to provide sufficient flexibility to deal with the needs of the courts which may arise on the day. The level of staff required is to be determined locally by NPS managers in conjunction with the court, based on local knowledge and circumstances, and agreed by the RPD.

The following points support the above statement and are key to Health and safety of staff and the smooth administration of justice via the courts.

* The Lord Chief Justice sets out his view in a letter to the judiciary dated 05.01.21 that keeping the courts open is necessary in the interests of justice and encourages judicial colleagues to facilitate remote access for professionals as the default position.

* The decision as to whether to allow NPS remote access to a court is via the judiciary only and on an individual defendant basis. Members of the judiciary in many courts are allowing remote access and have agreed a single application for remote access via CVP for PSR preparation and breach prosecutions at the start of court business each day. HMCTS have agreed that they will facilitate this arrangement, subject to judicial agreement and arrangements should be put in place locally to liaise with HMCTS colleagues to make the necessary arrangements.

* HMCTS staff are required to be in court to keep courts operational. They are considered key workers and the judiciary take the view that it is in the interests of justice for them to service the courts. Some HMCTS staff in some circumstances are working remotely.

* The CPS position is that attendance in courts is at the discretion of the judiciary. CPS staff are working remotely in particular circumstances as per HMCTS and only once this is agreed with the judiciary.

* The HMCTS health and safety risk assessments are endorsed by the PHE&W and each court has an escalation process for raising any queries or concerns (see HMCTS RA which is embedded in courts EDM). Concerns not resolved locally can be escalated nationally.

* There is an expectation, which is monitored, that regions review the NPS risk assessments (see NPS court risk assessment which is embedded in the courts EDM) which includes the operation of the HMCTS risk assessments. Following the recent Government announcement (06.01.21), review arrangements should be in train.

* The courts EDM is at an Amber level because of the measures that are in place e.g. social distancing in courts – please see RA documents in the courts EDM.

* There is an expectation that regions involve the TUs in RA decisions in courts.

* NPS court staff can be available in the court building i.e. at court rather than in court rooms and be available on request in court for PSR and other purposes. Arrangements should be in place daily to ensure all courts have the correct contact details for NPS staff in the court building.

* Staff attendance in a court room should be considered if the following circumstances apply:
	+ HMCTS and NPS Health and safety risk assessments are in place and operational
	+ CVP is not available in the court room or court building and the court do not adjourn the case for a PSR which can be conducted via a phone and submitted in writing to the court
	+ The case is very high risk
	+ The case is an overnight remand and information is required by the court on the day which involves interviewing the person concerned in the court cells
	+ Assistance is required to facilitate the preparation of reports required on the day e.g. ensuring remote access in an interview room
	+ Specific enforcement courts which cannot be conducted remotely
	+ To prepare PSRs on cases with specific needs:
		- Severe mental health difficulties
		- Learning disabilities
		- Diversity considerations e.g. hearing impairments
		- Complex cases requiring direct f2f contact with other agencies
		- Cases where remote access to interpreters is not achievable

This is not an exhaustive list but intended to provide guidance for court managers in preparation for the provision of services to the courts.

Remote planning meetings between NPS court managers and  HMCTS staff forms part of the court EDM and should facilitate the process to enable the smooth administration of justice with remote working being the default position and with the minimum necessary staff in court rooms subject to judicial agreement as per the LCJ letter.

1. **PRISONS**

NPS staff based in prisons should work from home where possible, except when they need to be present in an establishment in order to complete tasks or activities which require their presence. Their attendance at the establishment should only be as required, even if only for part of a day.

The staffing arrangements are to be determined locally by the Head of Offender Management Delivery (SPO) in conjunction with prisons managers; Head of Offender Management Services and the Governor. This will be guided by local risk assessments and the detail provided below, which sets out the requirements of when staff need to be in establishments and the tasks which can be completed from home. If the SPO feels they need support with this, they should involve their link Head of Service.

These temporary arrangements will be reviewed on the 25th January nationally, and every 2 weeks thereafter. Reviews will also be triggered by establishment regime level changes.

Further detail of tasks to be completed in the workplace / at home:

* The rationale for face to face contact should be linked to sentence progression as well as risk management and public protection issues, including work around parole and safe release arrangements.
* A co-ordinated approach to when NPS staff are due to attend the establishment should be taken, to maximise the NPS presence across the week. This will allow for on-site support of prison offender managers, specifically in the areas of risk management and public protection and will allow for NPS attendance at meetings required at short notice.
* Exceptions requiring NPS staff to attend establishments will vary due to local circumstances, e.g. type of prison, local arrangements etc., but include:

|  |
| --- |
| To complete the tasks set out in the current regime level of the OMU EDM which cannot be completed from home (see list below). This includes participation in required meetings where this cannot be facilitated remotely, recognising that not all local meetings will be explicitly referenced in the EDM. |
| To undertake the supervision of prisoners, interviews of prisoners or handover meetings where these should be facilitated face to face with POM/COM and prisoner in attendance, plus any difficult conversations such as recall discussions and safeguarding. |

The table below provides an overview of the types of tasks that could be undertaken remotely:

|  |
| --- |
| Completion of OASys assessments once the interview has been conducted (excludes co-worked CMSM assessments) |
| Completion of reports once required interview has been conducted (excludes co-worked CMSM assessments) |
| Victim Liaison Officer contact |
| Offender Personality Disorder Screenings and recording of NSI on Delius |
| Completion of referrals provided all available information to inform them is present |
| Writing up of any Digital Prison Services (DPS) OMiC Case Notes. These should be completed in a timely manner and not wait until a day when the POM is working remotely. |
| Attendance at Parole Hearings, if this can be facilitated remotely and approved by the Parole Board.  |
| Attendance at MAPPA, child and adult safeguarding meetings, if this can be facilitated remotely. |
| Completion of RC1’s and Recategorisation recommendations where these are required and can be facilitated remotely. |
| Engagement in local internal meetings where remote access is available, e.g. conference calls. |

This guidance should be read and actioned in line with NPS Risk Assessments, Health and Safety guidance around Social Distancing and PPE as well as Corona Virus HR Policy Guidance (NPS).

1. **APPROVED PREMISES**

Approved Premises (AP) deliver a vital service involving face to face operational delivery on a 24/7 basis to support public protection and resettlement. This always requires a minimum group of staff being on site in the AP. NPS staff based in AP, not providing core delivery or management oversight, should work from home where possible. Attendance at the AP should only be on an essential basis and for the minimum period necessary to facilitate required tasks.

Staffing arrangements are to be determined locally by the AP Manager (APM) in conjunction with AP Area Manager (APAM) and Residential Head of Public Protection (HoPP). This will be informed by local risk assessments. Detailed arrangements regarding specific concerns are set out below.

These temporary arrangements will be reviewed every 2 weeks, starting on 25th January 2021. Reviews will also be triggered by changes to the national Covid-19 restrictions.

We are committed to Approved Premises (AP) remaining open with single room occupancy. Closure of AP will always be a last resort.

Staffing levels will be managed to ensure minimum footfall onsite. Essential staff may include AP Residential Worker, APM, APAM, Chefs, Cleaners, Emergency Facilities Management and safeguarding. APM and APAM will not routinely be onsite every day and PSO will work from home where possible. Non-essential visitors will not be permitted entry to an AP.

Contact between different staff and staffing groups should be minimised. Cross site working should be eliminated where possible. Staff should only work at one AP or any other location on any one day e.g. a probation contact centre. AP sessional staff to be allocated to individual AP where possible. Deviation from this must be authorised by an AP Area Manager and the Head of Public Protection advised to maintain national oversight.

Assurance to be sought from contracted providers of adherence to cross site working principles as outlined in the AP Exceptional Delivery Model (EDM). The AP EDM can be found on the AP Covid-19 OneNote.

The national AP team will continue to explore the use of lateral flow testing and will introduce when appropriate to allow this to compliment current testing arrangements, to enhance staff safety even further.

AP Residential Worker/Sessional/Band 3 financial incentive in place. Details can be found in the AP Covid-19 OneNote.

The AP EDM sets out priority activities and those suspended.

The AP priority allocation system remains in place. Emergency/short notice referrals and RoTL/HDC will be assessed based on risk, on a case by case basis.

AP Residents will only be moved on a needs basis to support risk management and resettlement.

The AP approach regarding Clinically Extremely Vulnerable (CEV)/Clinically Vulnerable (CV)/those residing with CEV/CV is approved by Probation GOLD:

All AP CEV staff are risk assessed and work from home. The only exception is where a CEV member of staff wishes to remain in the workplace. In these circumstances an individual risk assessment will be completed stating what safety measures are in place and signed off by a Deputy Director. The member of staff agrees to this and the case is regularly reviewed.

If there are one or more positive cases of Covid-19 in an AP, the risk assessment for any CEV member of staff must not allow them to remain at work. The risk assessment must be reviewed, and the member of staff is to be redeployed or work from home immediately.

All AP CV staff are risk assessed and remain in the workplace if the risk assessment supports this. Where CV staff are not confident and are extremely anxious managers will refer to Occupational Health and explore other working arrangements.

If there are one or more positive cases of Covid-19 in an AP the risk assessment for any CV member of staff must be reviewed. The member of staff is to be redeployed or work from home immediately if the risk assessment indicates this.

Staff may also be vulnerable due to other factors e.g. if aged over 70, those that are pregnant, belonging to a demographic group known to be at higher risk. A risk assessment must be completed, and appropriate actions taken.

Given the increased community prevalence of Covid-19, the number of outbreaks in prison establishments, and the high-risk environment of prisons, probation and approved premises, staff who live with people who are clinically extremely vulnerable should be working from home where this is possible.

Where a member of staff resides with somebody from the CEV category and cannot work from home then a risk assessment must be conducted/reviewed. If appropriate the member of staff should be supported to be redeployed to other duties or placed on special leave.

It is important that we recognise that for some colleague’s home life is greatly affected by measures they are taking to keep loved ones safe, and we should creatively seek measures to support their emotional wellbeing.  We also know that some colleagues are struggling with working from home and it is important to consider their views when completing the risk assessments.

This staffing position statement should be read in conjunction with documents on the AP Covid-19 OneNote and AP local generic risk assessments and local safe working practices document.

This staffing position statement is a temporary response to the national pandemic (18.01.2021).

1. **CLINICALLY EXTREMELY VULNERABLE**

Further guidance for supporting colleagues who live with people who are clinically extremely vulnerable

Given the increased community prevalence of Covid, the number of outbreaks in prison establishments, and the high-risk environment of prisons, probation and approved premises, staff who live with people who are clinically extremely vulnerable should be working from home. Guidance around the clinically extremely vulnerable can be found on the linked guidance.

Line managers are expected to be creative about what work can reasonably be undertaken at home, for example, even if the member of staff doesn’t have access to an official laptop, they may be able to undertake online training using their own IT.  Reducing footfall generally in prisons and probation premises will help to reduce the risk of transmission.

Where there are no options for working from home, line managers should take a very cautionary and compassionate approach to risk assessments for those staff who live with people who are clinically extremely vulnerable.

Recognising the risks that Covid presents in our workplaces, the risk assessment must ensure that as an employer we can take all necessary precautions to safeguard individuals living with someone who is clinically extremely vulnerable.  Support from HR, health and safety and trade union colleagues must be made available to support the risk assessment process if required.  If the required safeguards cannot be achieved, then the member of staff must not be in the workplace. Governors and NPS managers have the discretion to allow paid special leave where appropriate and should consider this.

It is important that we recognise that for some colleagues’ home life is greatly affected by measures they are taking to keep loved ones safe, and we should creatively seek measures to support their emotional wellbeing.  We also know that some colleagues are struggling with working from home and it is important to take into account their views when completing the risk assessments.

1. **TESTING**

We are currently rolling out weekly testing in all Approved Premises across England and Wales; offering regular testing to staff and residents in the form of a throat and nose swab PCR test.We are extremely grateful for the speed in which Approved Premises have embraced this important work*.* Staff and resident testing is key to assisting us all to keep colleagues, residents and the wider community safe by early detection of the virus.

To date, approximately a 2,633 staff and resident tests have been conducted across 82 Approved Premises sites.  Although it is early days, we have been notified of 19 asymptomatic positive test results. Prior to regular testing, these would not have been identified and the virus would have spread undetected.

Probation staff in prisons are also eligible for PCR testing every 6-8 days that they are on duty, as part of a prison staff testing roll out.

In addition to PCR testing in Approved Premises, we are in the process of piloting the use of the Lateral Flow Device (LFD) for Probation colleagues in 3 Probation Contact Centres with a view to rolling this out to other Probation contact centres.  Feedback from staff being tested during the first day of testing has been positive.  Again, we are grateful to all staff and managers for their support and innovation in supporting this important testing pilot.

Participation in all of these testing programmes is entirely voluntary and we appreciate that some people may not want to undertake testing.  However, it is more important than ever to continue with the testing programme given the concerns about a new strain of the virus and restrictions being increased in parts of the country.

Finally, we continue to look at different testing technologies to identify COVID 19 and appreciate all your support and work in enabling us to detect the virus and help stop the spread.